

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

BILLIE RODRIGUEZ, DANIEL ERWIN,
MICHAEL B. ACKERMAN, KYLE
FOREMAN, DREW SCRUGGS, MARY
KANE MCQUEENY, EMILY THORPE,
JENNIFER TRITT, and THE BOARD OF
COUNTY COMMISSIONERS OF THE
COUNTY OF FORD, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

EXXON MOBIL CORPORATION,
CHEVRON USA INC., CHEVRON PHILLIPS
CHEMICAL CORPORATION, DUPONT de
NEMOURS INC., CELANESE
CORPORATION, DOW INC., DOW
CHEMICAL COMPANY, EASTMAN
CHEMICAL COMPANY,
LYONDELLBASELL INDUSTRIES, N.V.,
and AMERICAN CHEMISTRY COUNCIL,

Defendants,

And

STATE OF KANSAS, *ex rel.* KRIS W.
KOBACH, Attorney General,

Defendant-Intervenor.

Civil Action No. 4:24-cv-00803

Honorable Stephen R. Bough

ORAL ARGUMENT REQUESTED

**DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED
CLASS ACTION COMPLAINT PURSUANT TO RULES 12(B)(1) AND 12(B)(6)**

Defendants Exxon Mobil Corporation, Chevron Phillips Chemical Company LP, Chevron U.S.A. Inc., DuPont de Nemours, Inc., Celanese Corporation, Dow Inc., The Dow Chemical Company, Eastman Chemical Company, LyondellBasell Industries, N.V., and American

Chemistry Council (the “**Defendants**”), pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), move the Court to dismiss Plaintiffs’ First Amended Class Action Complaint (Doc. No. 48) in its entirety.¹ In support of this Motion, the Defendants incorporate herein and rely upon their Suggestions in Support filed contemporaneously with this Motion.

WHEREFORE, the Defendants respectfully request that this Court dismiss Plaintiffs’ First Amended Class Action Complaint in its entirety pursuant to Rules 12(b)(1) and 12(b)(6).

¹ Defendants do not submit to the personal jurisdiction or venue of this Court. Rather, Defendants filed their Motion to Dismiss Plaintiffs’ First Amended Class Action Complaint Pursuant to Rule 12(b)(2) as their “first responsive pleading,” thereby preserving that defense. *See, e.g., Blessing v. Chandrasekhar*, 988 F.3d 889, 899 (6th Cir. 2021).

Dated: March 10, 2025

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The foregoing was electronically filed with the Court this 10th day of March, 2025, and served via the Court's ECF system upon all counsel of record.

/s/ Richard N. Bien

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